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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
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MISCELLANEOUS
& STATE RECORDS

~~COUNTY~~
~~CITY~~ of Churchville
~~TOWN~~
Village

Local Law No. 1-2003 of the year 2003

A local law to amend chapter 108, Zoning, of the Code of the
(Insert Title)
Village of Churchville

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~CITY~~ of Churchville as follows:
~~TOWN~~
Village

VILLAGE OF CHURCHVILLE
Local Law #1-2003
A LOCAL LAW TO AMEND CHAPTER 108, ZONING, OF
THE CODE OF THE VILLAGE OF CHURCHVILLE

Section I. Amendments.

Chapter 108, Zoning, of the Code of the Village of Churchville, is hereby amended in the following respects:

- 1. **Section 108-1, Definitions**, is hereby amended to include the following:

APARTMENT BUILDING – A multiple-residence building arranged, intended or designed to be occupied by 4 or more families living independently of each other, and having common hallways and entrances.

ASSISTED LIVING FACILITY – A multiunit residence building (or buildings) designed for and restricted to the housing of persons, each of whom is at least 55 years of age, and in which personal and health-related services (such as congregate meals, housekeeping, homemaking, transportation, social activities, personal care and supervision) are provided to residents. An “assisted living

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1-2003..... of 2003.. of the ~~(County)(City)(Town)(Village)~~ of Churchville..... was duly passed by the Board of Trustees..... on July 14..... 20 03, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20..... of the (County)(City)(Town)(Village) of was duly passed by the on 20 ... , and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the and was deemed duly adopted on 20.... , *(Elective Chief Executive Officer*)* in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20..... of the (County)(City)(Town)(Village) of was duly passed by the on 20.... , and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the on 20.... . Such local law was submitted *(Elective Chief Executive Officer*)* to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20.... , in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20..... of the (County)(City)(Town)(Village) of was duly passed by the on 20.... , and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the on 20.... . Such local law was subject to *(Elective Chief Executive Officer*)* permissive referendum and no valid petition requesting such referendum was filed as of 20.... , in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

facility” must be licensed by the New York State Department of Health as an “adult home” or as a provider of “enriched housing” services or dementia care.

CONGREGATE LIVING DEVELOPMENT – A multiunit residence building (or buildings) designed for and restricted to the housing of persons, each of whom is at least 55 years of age (except as specified below), and in which a variety of optional non-health related services (such as congregate meals, social and recreational activities, housekeeping, transportation, informal counseling, emergency response systems, and facilitated linkages to other community services and activities) are available to residents. Persons under 55 years of age are permitted as residents if residing with a person who is at least 55 years of age, or if the presence of the person who is not at least 55 is essential for the physical care or economic support of the eligible person.

GARDEN APARTMENT – A multiple-residence building arranged, intended or designed to be occupied by 4 or more families living independently of each other, having no common hallways or entrances, but with each unit having a separate entrance opening to the outside.

PATIO HOME DEVELOPMENT – A conditional use permit development within which single-family dwellings, of a character variously described as “patio home,” “cottage” or “bungalow,” are permitted on lots of reduced size, with reduced setbacks (or even “zero lot line”), in accordance with § 108-28.2 of this Chapter.

SENIOR HOUSING DEVELOPMENT – A housing development designed for and restricted to the housing of persons, each of whom is at least 55 years of age, except that persons under 55 years of age are permitted as residents if residing with a person who is at least 55 years of age, or if the presence of the person who is not at least 55 is essential for the physical care or economic support of the eligible person. A “senior housing development” may include a variety of housing types, facilities and services.

SKILLED NURSING CARE FACILITY – A residence building (or buildings) in which skilled nursing services and chronic custodial care are provided to residents. A “skilled nursing care facility” must be licensed as such by the New York State Department of Health.

TOWN HOUSE – A single-family dwelling which is constructed with at least one wall in common with an adjacent single-family dwelling. Each unit may be located on a separate lot with zero side yard setbacks.

2. **In Article V, R-1 Residential Use District, § 108-20, Uses permitted conditionally, Subsection A** is hereby amended to add a new Paragraph (4), as follows:

- (4) Patio home developments, subject to the requirements of § 108-28.2 of this Chapter, in addition to any requirements imposed under §§ 108-83 and 108-84.

3. **In Article V, R-1 Residential Use District, a new § 108-28.2, Patio home developments,** shall be added, as follows:

§ 108-28.2. Patio home developments.

Subject to the requirements and procedures specified in §§ 108-83 and 108-84 of this chapter, the Planning Board may approve applications for a patio home development complying with the standards and conditions set forth below, in addition to any other conditions which the Planning Board may impose under §§ 108-83 and 108-84. Except as modified in this section, the requirements otherwise specified in Article V for the R-1 District shall apply.

- A. Minimum land area of development. The minimum land area to be included in any such development shall be two (2) acres, unless such area is immediately adjacent to and will enlarge an existing patio home development.
- B. Municipal services. Any such area shall be serviced by both public water and public sewers, as certified by the municipal agency having jurisdiction of such services, or such services shall be available prior to completion of development and issuance of a certificate of occupancy for any structure within such development.
- C. Density restrictions. The maximum permitted density within a proposed patio home development shall be six (6) dwellings per acre; provided, however, that where the development is designed and restricted to occupancy as a senior housing development, the maximum permitted density shall be eight point five (8.5) dwellings per acre.
- D. Dimensional requirements.
 - (1) Maximum building height: two (2) stories or 35 feet, whichever is less.
 - (2) Lot area: minimum of 7,000 square feet; provided, however, that where the development is designed and restricted to occupancy as a senior housing development, the minimum lot area shall be 5,000 square feet.
 - (3) Lot width: minimum of 55 feet at the front lot line or street line; provided, however, that where side lot lines are radial to arcs, such as where the front lot line is on a street curve or cul-de-sac, the lot width may be measured at the front building line, in which case the lot shall have a minimum width of 40 feet at the front lot line or street line..
 - (4) Lot coverage: dwellings and other structures shall not cover more than 50% of the lot area.
 - (5) Front yard set back from street line: minimum of 30 feet

- (6) Side yard setbacks: minimum of 8 feet on each side of the dwelling; provided, however, that if a setback of at least 15 feet is provided on one side of the dwelling, the side yard on the opposite side of the dwelling may be reduced to zero feet so long as:
- (a) The lot on which such dwelling is located is not a corner lot.
 - (b) Any zero side yard is not located adjacent to a lot or parcel of land not included in the patio home development;
 - (c) A distance of at least 15 feet is at all times provided between dwellings located on adjacent lots; and
 - (d) In the deed to each patio home lot adjacent to a lot on which a dwelling is constructed with a zero lot line there shall be reserved an easement for the benefit of the owner of the lot with the zero lot line, permitting access for the purpose of maintenance and repair of that side of the dwelling erected on the zero lot line, as well as for roof, window ledge and similar overhangs.

Notwithstanding the foregoing, on a corner lot, the side yard on the street side shall be a minimum of 25 feet.

- (7) Rear yard: minimum of 25 feet.
- (8) Dwelling unit size: the following minimum dwelling unit sizes shall be required:
- (a) One-bedroom units: 850 square feet of livable area.
 - (b) Two-bedroom units: 1,000 square feet of livable area.
 - (c) Three-bedroom units: 1,100 square feet of livable area.
 - (d) Where the development is designed and restricted to occupancy as a senior housing development, the minimum dwelling unit size may be reduced to 75% of the minimums specified in D(8)(a) through (c) above.

E. Garages and basements or storage areas.

- (1) Each dwelling shall be provided with an attached garage containing at least 240 square feet.
- (2) Basements shall not be required, but in the event that a basement is not provided, designated storage space, at least 160 square feet in area, shall be provided, in addition to the minimums required with respect to dwelling unit size and garages.

- F. Private passenger vehicles only. All driveways and parking spaces (but not including enclosed garages) shall be restricted to the parking of private passenger vehicles only. The parking of motor homes, trailers, recreational vehicles, boats and commercial vehicles having a gross vehicle weight in excess of one (1) ton is prohibited, except in a fully enclosed garage.
 - G. Private outdoor space. Each dwelling shall be provided with a private outdoor space in the form of a patio, terrace, garden, atrium, courtyard or deck.
4. **In Article VI, R-2 Residential Use District, a new § 108-32.1, Uses permitted conditionally, shall be added, as follows:**

§ 108-32.1. Uses permitted conditionally.

The following uses are permitted conditionally when authorized in accordance with §§ 108-83 and 108-84 of this chapter:

- A. Patio home developments, subject to the requirements of § 108-28.2 of this Chapter, in addition to any requirements imposed under §§ 108-83 and 108-84, except that as modified in § 108-28.2, the requirements otherwise specified in Article VI for the R-2 District shall apply; provided, however, that the limitation on one-story dwellings set forth in § 108-45 shall not apply.
5. A new **Article VI-A, MRO Multiple Residence Overlay District**, is hereby added to Chapter 108, reading as follows:

**ARTICLE VI-A
MRO Multiple-Residence Overlay District**

§ 108- 45.1. Purpose.

The purpose of this district is to provide for areas in the village where apartment buildings and other multiple residences, including senior housing developments, congregate living developments, assisted living facilities, and skilled nursing care facilities, and related services, may be located in a well-organized and well-planned environment, in conjunction with uses otherwise permitted in such areas, so as to provide for a wide range of dwelling types in a village setting.

§ 108- 45.2. Mapping of District; Time Limits.

- A. In order to provide for flexibility in the location and design of multiple-residence developments, MRO Districts shall be established and designated on the Zoning Map only upon application for and passage of a Zoning Map amendment by the Village Board, in accordance with the provisions of state law and § 108-86 of this chapter, and upon compliance with the requirements and procedures set forth in this section.

- B. Any application to the Village Board for designation of a MRO District shall include a sketch plan showing the location of the site within the Village; services provided to or proposed for the site, such as sewers, water, gas, telephone and cable, and public transportation; the approximate layout of the site in terms of buildings and other structures, parking areas, vehicular and pedestrian circulation, open space, recreation areas and other proposed facilities.
- C. If the applicant does not complete a site plan approval application to the Planning Board, as otherwise required in this Article and chapter, within one (1) year of the date that the Village Board adopts any amendment to the Zoning Map designating a MRO District, the designation and Zoning Map amendment shall lapse, unless extended by the Village Board.

§ 108- 45.3. Overlay.

This district shall be an overlay on any district otherwise established under Chapter 108, Zoning. The regulations of this section, applicable within any MRO District, are intended to be supplementary to the use, dimensional and other regulations and requirements established for the area in which this MRO District is an overlay, and such regulations shall continue to apply except to the extent modified by this section.

§ 108- 45.4. Criteria for Designation of MRO Districts.

In reviewing and acting upon any application for an amendment to the Zoning Map to establish and designate a MRO District as provided for in §108-45.2 above, the Village Board shall consider the effect of the proposed District on the character and orderly development of properties within the neighboring area and upon the conduct and development of lawful uses in the vicinity, and such other standards and conditions as may be set forth in this section. At a minimum, any such area proposed for rezoning shall satisfy the following:

- A. The minimum land area to be included in any such rezoning shall be 2 acres, unless such area is immediately adjacent to and will enlarge an existing area zoned MRO.
- B. The minimum frontage of any proposed district on a public street shall be 100 feet.
- C. Any such area shall be serviced by both public water and public sewers, as certified by the municipal agency having jurisdiction of such services, or such services shall be available prior to completion of development and issuance of any certificate of occupancy.

§ 108- 45.5. Review and Approval Procedure.

Following action by the Village Board to rezone any area to MRO District, any construction, development or use within the MRO District shall be subject to site plan approval by the Planning Board in accordance with the procedures and criteria established in Article IX-A of Chapter 108, Zoning. In the event that division of land into separate lots is proposed, subdivision approval shall also be required. Conditional use approval, in accordance with §§ 108-83 and 108-84, shall be required for uses enumerated in § 108-45.7 below. The site plan shall be in substantial conformance with the sketch plan submitted to the Village Board as provided in § 108-45.2B above, or the Planning Board may reject the application as incomplete, in which case the applicant may re-apply to the Village Board for approval of a revised sketch plan.

§ 108- 45.6. Permitted Uses.

The following uses are permitted outright in any MRO District, in addition to those uses permitted in the district to which the MRO District is an overlay:

- A. Multiple-residence dwelling structures (apartment buildings) containing not more than 12 dwelling units per structure; provided, however, that where buildings are designated for and restricted to occupancy as a senior housing development, each structure may contain not more than 16 dwelling units.
- B. Townhouse and garden apartment dwelling structures containing not more than 6 dwelling units per structure; provided, however, that where buildings are designated for and restricted to occupancy as a senior housing development, each structure may contain not more than 8 dwelling units.
- C. Groupings of 2 or more detached multiple-residence and/or townhouse or garden apartment dwelling structures located on a parcel of land in one ownership and having a yard or court in common.
- D. Congregate living developments..
- E. Assisted living facilities.
- F. Skilled nursing care facilities.
- G. Customary home occupations, subject to the restrictions set forth in § 108-19 of Chapter 108, Zoning .
- H. Customary accessory uses or structures which are clearly subordinate to the principal use of a building located on the same lot and which serve a purpose customarily incidental to such use. Such uses may include swimming pools, tennis courts and similar outdoor recreation areas and associated structures; dining rooms and cafeterias; clubhouses, lounges, libraries and meeting rooms; game rooms, exercise rooms and other

indoor recreational facilities; self-service laundry facilities; storage buildings; and areas for home gardening; provided that any such accessory uses and structures are to be used only by the residents of the principal use and their guests, and further provided that such uses and structures are planned and designed as an integral part of the residential development.

§ 108- 45.7. Conditional Uses.

The following uses are permitted when authorized in accordance with §§ 108-83 and 108-84:

- A. Municipal and other public service and public utility buildings.
- B. Day-care centers and senior-citizen activity or day-care centers operated in conjunction with and on the same lot as a permitted use, provided that the applicant establishes, to the satisfaction of the Planning Board, that such a use will provide a service to a substantial portion of the residents of the principal use.
- C. Pharmacies, laundry and dry-cleaning services (drop off and pick up only); hair salons and barbershops; newsstands; and other similar personal service establishments available to the general public but designed primarily for use by residents of the principal use. Any exterior evidence of any such use shall be limited to one unlighted sign, not more than 4 square feet in area, identifying the establishment, and mounted on the exterior wall of the building in which located, and one additional identification sign, not exceeding 2 square feet in area, located on the main sign standard for the development.
- D. Professional offices (such as for doctors, dentists, attorneys, architects, engineers, certified financial planners) for not more than two professionals and employing not more than one additional person for each professional. Any exterior evidence of any such use shall be limited to one unlighted sign, not more than 4 square feet in area, identifying the establishment, and mounted on the exterior wall of the building in which located, and one additional identification sign, not exceeding 2 square feet in area, located on the main sign standard for the development.

§ 108- 45.8. Density Restrictions.

- A. For apartment buildings, the maximum permitted density shall be 12 units per acre; provided, however, that where buildings are designated for and restricted to occupancy as a senior housing development, the maximum permitted density shall be 16 dwelling units per acre.
- B. For townhouse and garden apartment dwellings, the maximum permitted density shall be 6 units per acre; provided, however, that where buildings are designated for and restricted to occupancy as a senior housing

development, the maximum permitted density shall be 8 dwelling units per acre.

- C. For congregate living developments, the maximum permitted density shall be 20 dwelling units per acre.
- D. For assisted living facilities and skilled nursing care facilities, the maximum permitted density shall be 24 beds per acre.

§ 108- 45.9. Dimensional Requirements.

- A. For any apartment building or townhouse or garden apartment structure located on an individual lot, the following shall apply:
 - (1) Lot area: minimum of 1 acre.
 - (2) Lot width: minimum of 100 feet.
 - (3) Lot depth: no minimum.
 - (4) Front yard set back from street line: minimum of 50 feet; provided, however, that when the MRO District is located within an area in which the underlying zoning is B Business District, the front yard setback shall be the same as for structures and uses otherwise permitted in such District.
 - (5) Side yard setbacks: minimum of 30 feet each; provided, however, that when the MRO District is located within an area in which the underlying zoning is B Business District, each side yard shall be a minimum of 12 feet. The side yard setback shall be exclusive of and in addition to any buffer area required by § 108-45.11 below.
 - (6) Rear yard: minimum of 50 feet, exclusive of and in addition to any buffer area required by § 108-45.11 below.
 - (7) Maximum lot coverage by buildings and structures: 40% of the total lot area.
 - (8) Maximum building height: 2 stories or 35 feet, whichever is less.
 - (9) For groupings of 2 or more detached multiple-residence and/or townhouse or garden apartment dwelling structures located on a parcel of land in one ownership, the following shall also apply, in addition to the requirements set forth above:
 - (a) The distance between any 2 main detached buildings shall equal at least the average height of such buildings at the points where such buildings are nearest to one another, but not less than 25 feet.

- (b) Buildings shall be so arranged and constructed that the minimum distance between the centers of any two windows (one in each building) is not less than 50 feet.

B. For congregate housing developments, assisted living facilities and skilled nursing care facilities, the following shall apply:

- (1) Lot area: minimum of 2 acres.
- (2) Lot width: minimum of 150 feet.
- (3) Lot depth: no minimum.
- (4) Front yard set back from street line: minimum of 75 feet; provided, however, that when the MRO District is located within an area in which the underlying zoning is B Business District, the front yard setback shall be the same as for structures and uses otherwise permitted in such District.
- (5) Side yard setbacks: minimum of 30 feet each; provided, however, that when the MRO District is located within an area in which the underlying zoning is B Business District, each side yard shall be a minimum of 12 feet. The side yard setback shall be exclusive of and in addition to any buffer area required by § 108-45.11 below.
- (6) Rear yard: minimum of 50 feet, exclusive of and in addition to any buffer area required by § 108-45.11 below.
- (7) Maximum lot coverage by buildings and structures: 40% of the total lot area.
- (8) Maximum building height: 2 stories or 35 feet, whichever is less.

§ 108- 45.10. Size of Dwelling Units.

A. For apartment buildings, the following minimum dwelling unit sizes shall be required, exclusive of additional building areas provided for common use of residents, such as lobbies, corridors, stairways, elevator shafts, storage and utility service spaces, meeting rooms and recreation areas:

- (1) Efficiency apartments: 525 square feet of livable area. Not more than 25% of the total units in any development shall be efficiency apartments.
- (2) One-bedroom apartments: 700 square feet of livable area.
- (3) Two-bedroom apartments: 850 square feet of livable area.
- (4) Three-bedroom apartments: 1,000 square feet of livable area.

- B. For congregate living developments and apartment buildings which are designated for and restricted to occupancy as a senior housing development, the minimum dwelling unit size shall be 75% of the minimums specified in A(1) through A(4) above.
- C. For townhouse and garden apartment structures, the following minimum dwelling unit sizes shall be required:
 - (1) One-bedroom units: 850 square feet of livable area.
 - (2) Two-bedroom units: 1,000 square feet of livable area.
 - (3) Three-bedroom units: 1,100 square feet of livable area.
 - (4) For townhouse and garden apartment buildings which are designated for and restricted to occupancy as a senior housing development, the minimum dwelling unit size shall be 75% of the minimums specified in C(1) through C(3) above.
- D. For assisted living facilities and skilled nursing care facilities, the minimum size for each living unit or area shall comply with applicable state regulations and requirements.

§ 108- 45.11.Landscaping, Screening and Buffers.

- A. Landscaping. Lot areas which are not required for buildings, structures or parking shall be landscaped with grass, decorative trees or shrubs. A landscaping plan which shows the location and species of plant material shall be provided to the Planning Board and approved as part of the site plan approval process.
- B. Outdoor storage. Any outdoor storage of garbage and rubbish shall be in containers which are enclosed in such a way as to be concealed from public view and inaccessible to children, dogs, vermin, etc. A refuse storage and removal plan, showing the location and screening of dumpsters, and the plan of access by trucks for removal, shall be submitted to the Planning Board and approved as part of the site plan approval process.
- C. Buffers.
 - (1) A ten-foot-wide landscaped area shall be provided along all property lines, excluding points of ingress and egress and property lines adjacent to existing MRO District uses. This landscaped area shall be densely planted with a mixture of shrubs and trees. All of these shall be no less than 6 feet high, to create an opaque screen.
 - (2) All landscaped areas along property lines which are crossed by access drives may be planted with low shrubs no greater than 3 feet high and with a branching habit no less than 8 feet wide;

further, no planting shall cause a hazardous condition by interfering with the normal line of sight (350 feet in either direction) needed for safe entering and exiting maneuvers by motor vehicles.

- (3) Landscaped areas shall be designed to be easily maintained and protected by at least a six-inch nonmountable concrete or granite curbing.

§ 108- 45.12.Recreation Facilities.

Within each MRO development, there shall be provided a suitably improved recreation and/or park facility with an area of not less than one hundred fifty (150) square feet for each dwelling unit in the development. A plan which shows the location and proposed improvement of such facility shall be provided to the Planning Board and approved as part of the site plan approval process. For purposes of this section, "development" shall include the total area encompassed by a site plan application to the Planning Board, whether or not separate lots (for independent ownership) are proposed. In the event that separate lots are proposed, appropriate agreements or covenants, as approved by Village counsel, shall be used to preserve the right of all residents of the development to use such recreation and/or park facilities, or such areas may be dedicated to the village or other municipal entity if the village or such entity is willing to accept them.

§ 108- 45.13.Off-street Parking; Sidewalks.

- A. Off-street parking spaces, located on the same parcel as they are intended to serve, shall be provided as follows:

<u>Type of Dwelling Unit</u>	<u>Minimum Spaces Required</u>
Efficiency or 1-bedroom	2.0
2-bedroom	2.0
3-bedroom	2.0

In addition, parking for guests and visitors shall be provided at the rate of one (1) space for each two (2) dwelling units. In calculating the total number of parking spaces required for a building or development, the next highest whole number shall be used. The Planning Board may require that additional spaces be provided for employees, if any, in a designated area, at the rate of one (1) space per each employee on the shift with the largest number of employees. If non-residential uses are provided, such as professional offices or personal service establishments, additional space shall also be provided, sufficient to provide parking for all employees or professionals working on site, as well as for customers, clients and other visitors.

- B. Garages. Adequate consideration shall be given to provision for car garages and/or carports appropriate to the type of development and

nature of occupancy. The grouping or clustering of garages or carport spaces shall be encouraged, in structures which are either detached or attached to the main structure. If detached, a minimum of six (6) garages or carports shall be included in each structure. Detached one- or two-car garages or carports shall not be permitted. Garage or carport spaces may be counted in satisfying off-street parking space requirements.

C. Paving and design standards.

- (1) All parking areas shall be paved in conformity with village design criteria.
- (2) Off-street parking areas for more than five (5) vehicles, if not contained within a garage or carport structure, shall be effectively screened by a sight-obscuring fence, hedge or planting approved by the Planning Board as part of the site plan approval process, on any side which adjoins residential property or the premises of any school or like institution.
- (3) Parking areas should be designed in smaller units, or broken up through the use of islands and plantings. In no case shall more than ten (10) parking spaces be provided in a continuous line.

D. Private passenger vehicles only. All parking spaces, whether open or enclosed, shall be restricted to the parking of private passenger vehicles only. The parking of motor homes, trailers, recreational vehicles, boats and commercial vehicles having a gross vehicle weight in excess of one (1) ton is prohibited; provided, however, that the Planning Board, as part of site plan approval, may approve a storage area for motor homes, trailers, recreational vehicles and boats owned by residents of the development only, so long as any such area is completely screened from public view and the view of residents.

E. No parking in required yards. No parking shall be permitted in any required front yard or in any side yard abutting a dedicated street.

F. Sidewalks. Sidewalks shall be installed so as to provide suitable access to and between buildings, parking areas and recreation facilities, and shall be designed so as to connect to existing village sidewalks.

G. Lighting. All parking lots and sidewalks shall be lighted after dark throughout the hours when they are accessible to the public. Such lighting shall not exceed an intensity of 5 footcandles nor shall it be less than 1 1/2 footcandles at pavement level. The installation of such lighting shall be so hooded or shielded as to reflect the light away from abutting or neighboring streets and properties.

H. Location restrictions. No access drive or parking space shall be closer than 10 feet to any lot line.

§ 108- 45.14. Special Provisions Applying Within District.

- A. Private outdoor space. Each dwelling unit shall be provided with a private outdoor space in the form of a patio, terrace, garden, courtyard, deck or balcony, which space shall immediately adjoin and be directly accessible to the dwelling unit it serves.
- B. Exterior design. The architectural treatment and general appearance of all buildings and grounds shall be in keeping with the general area in which the development is located, shall be of such quality of design as to be a visual asset to the neighborhood in which located, and shall reflect the general character of the village. No exterior building wall shall be more than 100 feet long without a minimum six-foot offset.
- C. Accessory buildings.
 - (1) Any accessory building shall be located on the same lot with the principal building and shall be used solely for a permitted accessory use.
 - (2) The area occupied by an accessory building shall be included in computing the percentage of lot covered by all buildings.
 - (3) No accessory building shall be constructed until the construction of the main building has been actually commenced, and no accessory building shall be used until the main building has been completed and is in use.
 - (4) No accessory building shall be built within any required yard or buffer area, or nearer to any street line than the principal.
 - (5) Any accessory building shall conform architecturally to the principal building.
 - (6) Accessory buildings may not exceed 200 square feet in area or 12 feet in height. No more than 2 accessory buildings shall be permitted per each acre of land included in the same ownership within the development.
- D. All signs within a development shall be of a common design and color scheme, in keeping with the architectural treatment and general appearance of buildings within the development, and shall be subject to approval by the Planning Board as part of the site plan approval process.

Section II. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not

affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section III. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph-----1-----, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

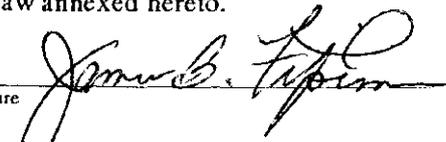
(Seal)

Date: 7/15/03

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Montgomery

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Village Attorney

Title

~~County~~
~~XXX~~ of Churchville
~~Town~~
Village

Date: 7/15/03